

PROCLAMATION

BY THE

Gouvernor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 17, 1977

As provided under the provisions of Section 14, Article IV of the Constitution of the State of Texas, I disapprove of H.B. 997 and am filing same with the Secretary of State setting forth the following objections:

I disapprove of House Bill No. 997, relating to decreasing the penalty for criminal nonsupport of a child. This bill would weaken the deterrent effect of Texas law with regard to the obligation of out-of-state parents to support children residing in this state.

Currently Section 25.05 of the Penal Code, provides that criminal nonsupport of a child is a Class A misdemeanor unless the defendant has a prior conviction or resides out of the state, in which case it is a felony of the third degree. House Bill No. 997 would change this provision to provide felony punishment for out-of-state parents only if they have a prior conviction for the offense. These parents without prior convictions for criminal nonsupport would no longer be subject to the felony penalty.

Felony punishment for out-of-state parents who fail to support children in Texas, has been because extradition is generally impractical for a misdemeanor offense. If the statute is to have a real deterrent effect on out-of-state parents, the possibility of extradition must exist. If the offense is reduced to a misdemeanor, absent a prior conviction, those out-of-state parents who provide support for children in Texas merely because of the fear of prosecution, would have little or no incentive to continue doing so. The children may then be forced to rely on public assistance for continued support, and this is not sound state policy.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State of Texas to be affixed hereto at Austin, Texas, this 17th day of June, 1977.